

REMARKS

Applicant has amended claims 41 and 43. Accordingly, claims 1-5, 7, 10-21, 25-29, 32-34, 37 and 40-46 remain pending in this application. Applicants now address each and every point raised by the Examiner in the above-identified office action as follows:

I. Rejection of Claims Under Section 103

Claims 43 to 45 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Fang. Applicants have amended independent claim 43 to clarify that the repeating arrangements of structural units each comprise an ordered arrangement of first and second structural phases. Fang fails to disclose or remotely suggest the concept of a cermet composition having a repeating arrangement of structural units that each comprise an ordered arrangement of first and second structural phases.

In view thereof, Applicants submit that one having ordinary skill in the art aware of Fang would not be motivated to form a composite construction as recited in Applicants' amended independent claim 41, and thus the subject matter recited therein is not obvious based on Fang.

Applicants, therefore, respectfully request that the rejection of independent claim 43, and claims 44 and 45 depending therefrom, under 35 U.S.C. § 103 be reconsidered and withdrawn.

Amendment Dated March 29, 2005
Reply to Office Action dated
December 29, 2004

-12-

Appl. No. 09/494,877
Atty. Docket No. 63833-5009

II. Rejection of Claim Under Section 112

Claim 41 has been rejected under 35 U.S.C. § 112 as being allegedly indefinite. Applicants have amended this claim to remove the term noted by the Examiner. In view thereof, Applicants respectfully request that the rejection of this claim be reconsidered and withdrawn.

III. Objection to Claim 46

Claim 46 has been noted as being allowable if rewritten into independent form. Applicants submit that claim 46 is properly allowable in its current form by virtue of the amendment made to independent claim 43 as noted above in Section I, and respectfully requests that this claim be passed to allowance.

IV. Allowed Claims

Claims 1-5, 7, 10-21, 25-29, 32-34, 37, 40 and 42 have been allowed. Applicant acknowledges with appreciation the allowance of these claims and hereby accepts the same.

///

///

///

Amendment Dated March 29, 2005
Reply to Office Action dated
December 29, 2004

-13-

Appl. No. 09/494,877
Atty. Docket No. 63833-5009

V. Conclusion

In view of the above, Applicants respectfully request that the rejection of claims under 35 U.S.C. § 103 and § 112 be reconsidered and allowed and that claims 41 and 43 to 46 be passed to allowance as has claims 1-5, 7, 10-21, 25-29, 32-34, 37, 40 and 42.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

Dated: March 29, 2005

By: 

Grant T. Langton, Esq.

Reg. No. 39,739

1900 Avenue of the Stars

Seventh Floor

Los Angeles, CA 90067-4308

(310) 203-8080

Customer No. 24,574

GTL/ke1

Amendment Dated March 29, 2005
Reply to Office Action dated
December 29, 2004

-14-

Appl. No. 09/494,877
Atty. Docket No. 63833-5009

3346635v1